

**MINUTES**  
**PAYETTE CITY COUNCIL**  
**Public Hearing, Work Session & Regular Meeting**  
**July 20, 2015**

**ROLL CALL**

Members Present: Mark Heleker, Ray Wickersham, Craig Jensen, Jeff Sands, Lee Nelson and Nancy Dale  
Members Absent: Mayor Williams was excused  
Staff Present: Mary Cordova, City Coordinator; Bert Osborn, City Attorney, Steve Castenada, Fire Chief; Bobbie Black, Deputy City Clerk

**6:00 PM – Public Hearing**

Bert Osborn conducted public hearings:

- A. Chapter 17.56 Nonconforming Uses to allow residential use in a Commercial Zone  
Ms. Cordova stated this is a solution we came up with so people buying homes in Commercial Zone do not have to apply for a conditional use permit if use hasn't changed within 90 days. This does not include the apartments above Downtown C-1 Zone. Jensen stated the reason we wanted to change this was so every time a commercial zone sold, the new owner did not have to get a conditional use permit, it is a step in the right direction. Dale asked why we didn't include Downtown C-1 zone. Ms. Cordova stated downtown is mixed use and a conditional use permit allows us the opportunity to make sure that fire safety codes are met. Sands stated it has to be separate for downtown mixed. Downtown, the public has access to part of the building where a single family residence does not. Jensen asked if it is a non-owner occupied residential use does this still apply.  
No one else addressed the Council.
- B. Chapter 17.64 Railroad Boxcars/Motor Vehicle Cargo Containers  
This places stipulations if we are to allow these storage units in commercial and industrial. They will not be allowed in residential zones. It sets guidelines for placement and will be considered an accessory building. Planning & Zoning had a lot of discussion on time frames for these containers. Heleker stated we are talking about non-residential use correct? Ms. Cordova stated yes. Jensen stated we extended the time frame and our current code didn't address limits before. Ms. Cordova stated the intent was not to allow at all, but Planning & Zoning could approve with time frames. The Council has denied these in the past. Nelson asked if we know how many are in residential now and will they be asked to get rid of them. Ms. Cordova stated that is something the Council would need to decide on. Possible choices would be to give owner 120 days to be removed, or, it could be considered a nonconforming use. Sands asked who is going to police this. We have been supplied with an inventory from a member of Planning & Zoning. The ordinance officer would enforce when received a call regarding one of them. Wickersham stated he couldn't vote on this, we are infringing on owner's rights, most towns allow them and we are the exception. Sands stated this lacks encouragement for construction and effects tax roll. Dale asked Wickersham about other cities. Some cities allow with a permit process and building permit. She stands by Sands and this could devalue property and people with that type of business. Wickersham stated this is a practical business choice. Jensen asked when this stopped being allowed, it was stated if went longer than 90 days in residential, you could be granted an exception. Sands stated this new ordinance says you would not even be able to apply for a conditional use permit. Ms. Cordova stated this new ordinance would prohibit in residential zone. Nelson stated he did build a 10,000 sq ft building. Dale clarified what ordinance stated and asked how we make conversion if adopted. She understood they needed to decide how to comply for existing ones. Nelson suggested possibly charging a fee for storage units. You could make it an

annual fee. Heleker asked if talking about ones existing or new ones, he stated both. We should also consider aesthetics of the community. No one else addressed the Council.

C. Chapter 17.72 Off Street Parking and Loading Facilities  
Hearing left open until August 3<sup>rd</sup>, 2015 at 6:45 PM

Public Hearing closed at 6:36 PM

**Work Session following Public Hearing if time permits**

A. Bounce House Permits/Policy

Jensen stated he can give some back ground from Parks & Rec Committee. Some towns do not allowed at all, we wanted it to work for our citizens if they wanted one. We wanted to make sure the city is protected if one is in our parks. Heleker stated if people driving by not everyone would realize they needed a permit. If someone is not paying for the permit we wouldn't be liable. Mr. Osborn stated if someone gets hurt in our parks they still might sue the City. Heleker stated his thoughts might be to not allow at all in our parks. Nelson stated if allow or don't allow and still put one up, we still might be liable. Heleker stated we might have to put proper signage up and asked who is going to police it. Wickersham stated the skate park is more dangerous than a bouncy house. How much protection do we want? Ms. Cordova stated it was intended to have a company come in with insurance and they would do the installation. Ms. Cordova would suggest not to charge if going to allow. Mr. Osborn clarified for Council. April from the Independent Enterprise asked how someone can just come down to park and set up a bouncy house without electricity. It was stated they use a generator. Dale stated we are not saying you can't have a bouncy house, you can do in your own backyard. Sands asked since this is just a policy and not code is it enforceable, Mr. Osborn stated both would be equal in this case. This would state our guidelines. Heleker asked if they didn't obtain a permit and was asked to remove bouncy house. Mr. Osborn stated it would be trespassing.

Work Session closed at 6:50 PM

**7:00 PM – Regular Meeting**

A regular meeting of the Payette City Council was called to order at 7:00 PM by Council President Mark Heleker in the City Council Chambers of Payette City Hall, 700 Center Avenue.

**ROLL CALL**

Members Present: Mark Heleker, Ray Wickersham, Craig Jensen, Jeff Sands, Lee Nelson and Nancy Dale

Members Absent: Mayor Williams was excused.

Staff Present: Mary Cordova, City Coordinator; Bert Osborn, City Attorney; Steve Castenada, Fire Chief and Bobbie Black, Deputy City Clerk

**PLEDGE**

The Pledge of Allegiance was led by Ann Curtis.

**CITIZENS COMMENTS**

None

**APPROVAL OF MINUTES**

Bert Osborn read Ordinance #1394 by title only.

Nelson has mixed emotions on this. We are always having someone telling us what we can't do on our property. Wickersham agrees with it. Sands stated this will not get his support at all, supports the idea of not having it in residential. This had been kicked around for five months. If wants to go back and get refined would support. This is pacifying one person that didn't get what they wanted. It has to be enforceable and it is not. Wickersham doesn't agree and what about the people that have them on their property. Jensen asked for clarification on residential usage now, there is nothing stopping for asking to have one. Ann Curtis asked about a race trailer and was told that no that is a licensed trailer. Nelson asked what would stop someone from licensing a 40' trailer. Liz Amason stated they live where there are covenants and restrictions, they pay to store their vehicles that keeps the neighborhood looking nice. Doesn't have a problem in industrial zone. Is there anything stopping commercial zones from having their own little organization, Mr. Osborn stated no they couldn't. Heleker is hearing we are on the right track, but not where we need to be yet. Mr. Osborn would recommend to have Council make a list of what they would like to see.

A motion was made by Nelson to send to second reading. Motion died due to lack of second.

### **DEPARTMENTAL REPORTS**

- A. Police Department – June 2015
- B. Parks & Rec Committee – July 8<sup>th</sup>
- C. Library Commission – July 9<sup>th</sup> - Dale stated Erin Haley is working hard in getting connected and having Ms. Stowe has been great help.
- D. Airport Commission – July 13<sup>th</sup>
- E. Admin & Finance Committee – July 20<sup>th</sup>

### **MAYORS COMMENTS**

None

### **CITIZEN'S COMMENTS**

Wickersham stated had another meeting with Boys & Girls Club and have funds in the bank and making progress.

Jensen gave update on water trails meeting. Grant for signs was not received and trying for another grant. Getting updated pictures from Idaho Power and various cities to know what they can or cannot do in the area.

Nelson asked Ms. Cordova about work session for budget and decided it will be this Thursday at 4:00 PM

### **ADJOURNMENT**

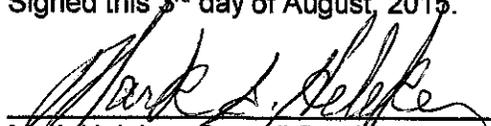
A motion was made by Jensen and seconded by Dale to adjourn the regular meeting at 8:00 PM.

After a voice vote by the Council, the motion CARRIED.

Signed this 3<sup>rd</sup> day of August, 2015.

ATTEST:

  
Bobbie Black, Deputy City Clerk

  
Mark Heleker, Council President